

From: Robert Ardill
To: Microsoft ATR
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Subject: Microsoft maintaining monopoly position

I would like to add comment to the Microsoft case .

Microsoft's settlement proposal of free distribution of computers and software to schools etc , is an obvious situation of further maintaining the monopoly, which is the direct opposite effect to the original decision.

I understand that Microsoft Corporation was found guilty at trial of having maintained an illegal operating system monopoly and of having illegally tied its Internet Explorer to its monopoly operating system. When Microsoft appealed, the appellate court threw out the guilty verdict as pertains to the browser but said yes, Microsoft did in fact illegally maintain an operating system monopoly. (The word "maintain" is critical here. It is not illegal to have an operating system monopoly, but it is illegal to do anything to keep that monopoly -- to maintain it.)

This proposed settlement, would grant Microsoft its operating system monopoly -- indeed, contains wording such that it would no longer be illegal for Microsoft to maintain that monopoly -- while saying that if Microsoft wants to, it can make it easier for people to write Windows applications, but it's by no means required to do so. In short, the settlement is ill-advised and does not maintain the law at all.

To truly enhance competition in the US and in the world markets, (that other computer operating systems marketers including Microsoft export to), the comments following are helpful.

"The most successful competitors in recent years in product markets in which Microsoft holds a true or de facto monopoly (eg. personal computer operating systems, Internet browsers, and office productivity software) have arisen from the open source software community, and it is of extreme importance that any settlement protect and enhance this community's ability to produce products that provide end-users with viable choices.

In addition, I believe that maintaining the monopoly of one main operating system , like Microsoft,(US and worldwide) will make it easier for terrorist activity, rather than a diversified market of operating systems worldwide.

Cheers

Robert

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